

Message Text

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67

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTI-00 INR-07 NSAE-00 FAA-00 SS-15 NSC-05 L-02 H-01

IO-10 /062 W

----- 076921

R 271302Z FEB 75

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC 4929

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E.O. 11652: N/A

TAGS: EAIR, AU

SUBJECT: CIVAIR: CHARTER UNDERSTANDING

REF: A. VIENNA 385; B. STATE 79026 OF 4/26/73

1. FONOFF INFORMED EMBASSY FEB. 27 THAT IT IS PREPARING TO
SUBMIT AMENDED MEMORANDUM OF UNDERSTANDING ON TGCS AND ABCS
TO COUNCIL OF MINISTERS FOR APPROVAL. GERMAN TRANSLATION
OF MEMORANDUM HAS BEEN PREPARED AND IS NECESSARY FOR COUNCIL
OM MINISTERS' ACTION. HOWEVER, FOREIGN OFFICE REGARDS
ENGLISH TEXT AS ONLY AUTHENTIC TEXT AND DOES NOT BELIEVE
THAT U.S. APPROVAL OF GERMAN TEXT IS NECESSARY.

2. WITH REGARD TO EXCHANGE OF NOTES BETWEEN EMBASSY AND
FOREIGN MINISTRY, FOREIGN OFFICE HAS SUGGESTED SEVERAL
CHANGES FROM TEXTS AS ORIGINALLY PROPOSED BY U.S. IN REF B.

3. AUSTRIAN SUGGESTED TEXT OF LETTER FROM AMBASSADOR IS
AS FOLLOWS:

QUOTE EXCELLENCY:

QUOTE I HAVE THE HONOR TO REFER TO DISCUSSIONS WHICH HAVE
TAKEN PLACE RECENTLY AT VIENNA BETWEEN REPRESENTATIVES
OF THE REPUBLIC OF AUSTRIA AND THE EMBASSY OF THE

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UNITED STATES OF AMERICA WITH REGARD TO THE NEW RULES

ON ADVANCE CHARTER TRAFFIC WHICH HAVE BEEN ADOPTED BY OUR TWO GOVERNMENTS.

QUOTE IT IS MY UNDERSTANDING THAT THESE REPRESENTATIVES HAVE AGREED TO REFER TO THEIR RESPECTIVE GOVERNMENTS A MEMORANDUM OF UNDERSTANDING ON THE SUBJECT, THE TEXT OF WHICH IS ENCLOSED.

QUOTE I HAVE THE HONOR TO INFORM YOUR EXCELLENCY THAT THE GOVERNMENT OF THE UNITED STATE OF AMERICA AGREES TO THE PROVISIONS OF THE MEMORANDUM OF UNDERSTANDING REFERRED TO ABOVE, AND TO PROPOSE THAT, IF THE AUSTRIAN FEDERAL GOVERNMENT ALSO AGREES TO THE TERMS OF THE MEMORANDUM OF UNDERSTANDING, THE LATTER SHALL ENTER INTO FORCE AS AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS 60 DAYS AFTER THE DATE OF YOUR AFFIRMATIVE REPLY.

QUOTE ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST CONSIDERATION. UNQUOTE.

4. PROPOSED REPLY:

QUOTE EXCELLENCY:

QUOTE: I HAVE THE HONOR TO ACKNOWLEDGE RECEIPT OF YOUR NOTE DATED (), WITH THE ENCLOSED MEMORANDUM OF UNDERSTANDING CONCERNING THE NEW RULES ON ADVANCE CHARTER TRAFFIC WHICH HAVE BEEN ADOPTED BY OUR TWO GOVERNMENTS.

QUOTE I HAVE THE HONOR TO INFORM YOUR EXCELLENCY THAT THE AUSTRIAN FEDERAL GOVERNMENT AGREES TO THE TERMS OF THE MEMORANDUM OF UNDERSTANDING WHICH SHALL ENTER INTO FORCE AS AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS 60 DAYS AFTER THE DATE OF THIS REPLY. FOR THE MINISTRY OF FOREIGN AFFAIRS: UNQUOTE

5. RATIONALE FOR PROPOSED CHANGES IS AS FOLLOWS: THE GOA NEEDS 60 DAYS IN WHICH TO PUBLISH GERMAN TEXT OF MEMORANDUM IN FEDERAL GAZETTE. UNDER AUSTRIAN LAW SUCH AGREEMENTS ARE NOT BINDING UNTIL THEY ARE PUBLISHED. ALSO, AUSTRIANS WISH TO AVOID REPEATING IN THEIR REPLY THE TEXT OF THE AMBASSADOR'S NOTE SINCE THIS WOULD REQUIRE GERMAN TEXTS OF NOTES AND SUBMISSION OF NOTES TO COUNCIL OF MINISTERS. AUSTRIANS WOULD PREFER TO ELIMINATE THESE PROCEDURAL COMPLICATIONS.

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TIONS.

6. AUSTRIANS INFORM US FURTHER THAT MINISTER'S REPLY WILL PROBABLY BE SIGNED BY AMBASSADOR SCHOBEL, CHIEF OF ECONOMIC SECTION OF FOREIGN MINISTRY, ACTING FOR THE MINISTER.

7. WITH REGARD TO TEXT OF REVISED MEMORANDUM ITSELF,

AUSTRIANS WISH TO REPLACE REFERENCE TO QUOTE GOVERN-
MENT OF THE REPUBLIC OF AUSTRIA UNQUOTE IN
OPENING PARAGRAPH WITH QUOTE AUSTRIAN FEDERAL GOVERNMENT

UNQUOTE.

8. ADVISE ALSO WHETHER MOU ITSELF IS TO BE SIGNED OR
INITIALED. ASSUME MOU SHOULD CARRY SAME DATE AS
EXCHANGE OF NOTES.

9. RE SECTION I, D (3) OF MOU, WORD "YIELDING". SHOULD THIS
BE "WIELDING"?

10 REQUEST DEPARTMENT'S COMMENTS ON ABOVE SOONEST.
SINCE FOREIGN OFFICE AT LEAST SEEMS EAGER TO CONCLUDE
AGREEMENT, WE WOULD LIKE TO WRAP THIS UP BEFORE
AUSTRIANS FIND FURTHER REASONS FOR DELAY, ASSUMING
USG STILL INTERESTED IN AGREEMENT. HUMES

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Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
Copy: SINGLE
Draft Date: 27 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Margaret P. Grafeld
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05 JUL 2006

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